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PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 05-530)

In re Application of: )  
)  
Guittet et al. )  
) Group Art Unit: Unknown  
Serial No.: 10/540,444 )  
) Examiner: Not Assigned  
Filed: June 22, 2005 )  
)  
For: Scoring Estrogen and Progesterone )  
Receptors Expression Based on )  
Image Analysis )

Commissioner for Patents  
P.O. Box 1450  
Arlington, Virginia 22313-1450

**TRANSMITTAL LETTER**

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a. Information Disclosure Statement
- b. Statement of Relevancy of Foreign Language Reference
- c. Copy of Cited Non-U.S. Patent References
- d. Return Receipt Postcard

2. With respect to additional fees:

- a. Attached is a check in the amount of \$-0-

3. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

By :

A. Blair Hughes  
Reg. No. 32,901

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**Statement of Relevancy of a Foreign Language References**

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Alexandria, VA 22313-1450

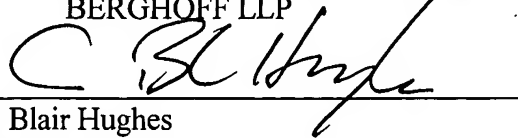
Dear Sir:

The Mink et al. "Einstaz der computergestutzen Bilanalyse zur Erfassung des immunhistochemischen Rezeptorstatus beim Mammakarzinom" reference, which is cited in an Information Disclosure Statement by Applicant filed contemporaneously with this Statement, is being supplied in a language other than in English. The relevancy of the foreign language reference is identified in the European Search Report issued by the European Patent Office in a corresponding European Patent (a copy of which are hereto) which identifies the reference as an "A" reference with respect to claims 1-27 meaning it is a "document defining the general state of the art which is not considered to be of particular relevance".

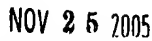
Respectfully submitted,  
McDONNELL BOEHNEN HULBERT &  
BERGHOFF LLP

Dated: November 22, 2005

By:

  
A. Blair Hughes  
Reg. No. 32,901

McDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
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Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

Sheet	1	of	3
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**Complete if Known**

Application Number	10/540,444
Filing Date	June 22, 2005
First Named Inventor	Guittet
Art Unit	Unknown
Examiner Name	Not Assigned
Attorney Docket Number	05-530

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/540,444
Filing Date	June 22, 2005
First Named Inventor	Guittet
Art Unit	Unknown
Examiner Name	Not Assigned
Attorney Docket Number	05-530

Sheet

2

of

3

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Rothman et al. "Potential Use of Spectral Image Analysis for the Quantitative Evaluation of Estrogen Receptors in Breast Cancer", Histology and Histopathology, pp. 1051-57	
		Camp et al., "Automated Subcellular Localization and Quantification of Protein Expression in Tissue Microarrays", Nature Medicine, pp. 1323-27, Vol. 8, no. 11 (2002)	
		Schnorrenberg et al., "Computer-Aided Detection of Breast Cancer Nuclei", IEEE, pp. 128-140 (1997)	
		Roca et al., "Immunohistochemical Correlation of Steroid Receptors and Disease-Free Interval in 206 Consecutive Cases of Breast Cancer: Validation of Telequantification Based on Global Scene Segmentation", Analytical Cellular Pathology, pp. 151-163 (1995)	
		Sklarew, et al. "Comparison of Microscopic Imaging Strategies for Evaluating Immunocytochemical (PAP) Steroid Receptor Heterogeneity", Cytometry, pp. 207-220 (1991)	
		Mink et al., "Einsatz der computergestutzen bildanalyse zur erfassung des immunhistochemischen rezeptorstatus beim marmakarzinom immunhistochemischen densitometrische rezeptroanalyse -IDRA", Geburtsh Frauenheilk, pp. 617-623 (1992)	
		El-Badawy et al. "Immunohistochemical Progesterone Receptor Assay", Amer. Journal of Anatomic Pathology, pp. 704-710 (1991)	
		True, "Quantitative Immunohistochemical Assay of Estrogen Receptors by Image Analysis", Laboratory Investigation, pp. 80A (1987)	

Examiner Signature		Date Considered	
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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		Application Number	10/540,444		
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Sheet	3	of	3	Attorney Docket Number	05-530

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		Lehr et al., "Quantitative Evaluation of HER-2/neu Status in Breast Cancer by Fluorescence in situ Hybridization and by Immunohistochemistry with Image Analysis", American Journal of Clinical Pathology, pp. 814-822 (2001)	
		Esteban, et al. "Biologic Significance of Quantitative Estrogen Receptor Immunohistochemical Assay by Image Analysis in Breast Cancer", American Journal of Clinical Pathology,, pp. 158-162 (1994)	
		Cavaliere et al. "Computer-assisted Immunocytochemical Determination of Breast Cancer Steroid Receptors. Frozen Sections vs Paraffin Sections", The Breast, pp. 476-483 (2001)	
		Tsapatsoulis et al., "An Image Analysis System for Automated Detection of Breast Cancer Nuclei", IEEE, pp. 512-515 (1997)	

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